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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/561,306

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Jean-Louis Saltel

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EXAMINER

ANDRISH, SEAN D

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/561,306	Applicant(s) SALTEL, JEAN-LOUIS	
	Examiner SEAN D. ANDRISH	Art Unit 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 11 is/are rejected.
- 7) ☒ Claim(s) 4,6,7 and 11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 4, 5, and 11 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 4 depends upon claims 2 and 3 in combination. See MPEP § 608.01(n). Claim 4 has been interpreted as being dependent upon either claim 1 or claim 2 and will be examined as such.
2. Claims 1, 2, 4, 9, and 10 are objected to because the phrases “fiber layer” and “filter layer” are both used to identify the same element of the claimed apparatus. Applicant should select either "fiber layer" or “filter layer” and use the selected phrase consistently throughout all of the claims. Appropriate correction is requested.
3. Claims 6, 7, and 11 are objected to because of the following informalities: It is unclear if the limitations recited following the phrases “such as”, “in particular”, and “preferably” are within the scope of the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 – 6 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Champleboux (4,467,835).

With regard to claims 1 and 2, Champleboux discloses a sealing device comprising: a support (2, 3) supporting an inflatable tubular membrane (1) of circular section, having a wall (6)

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of material that is leakproof, flexible and elastic, and deformable radially outwards under the action of internal fluid pressure so as to be pressed hermetically against the wall of the wall or the pipe (10), said membrane (1) being mechanically reinforced by at least one sheet of flexible strands (individual strands comprising fiber layer 5) embedded in the thickness of its wall, the sheet being inscribed in a circularly cylindrical surface on the same axis as said membrane (1), wherein the sealing device includes at least one pair of adjacent fiber layers (8, 9) which is likewise circularly cylindrical in shape, and disposed concentrically, being embedded in the thickness of the wall (6) of the membrane (1), inside relative to said sheet of flexible strands (individual strands comprising fiber layer 5), said fiber layers (8, 9) possessing a structure made up of a multitude of very fine fibers that act as an anti-extrusion barrier, adapted to limit creep of the material constituting the wall (6) of the membrane (1) and to prevent it from passing outwards between the reinforcing strands (individual strands comprising fiber layer 5) under the effect of the pressure generated by the inflation fluid ([Figs. 2 – 4]; column 1, lines 7 – 13; column 2, lines 51 – 68; column 3, lines 29 – 32 and 43 – 53).

Regarding claim 3, fiber layers (8, 9) are made up of a multitude of very fine fibers which extend parallel to one another forming a helix of very long pitch in a direction that is inclined at a small angle (A, B) relative to the axis of revolution of the membrane (1) ([Fig. 2]; column 2, lines 67 – 68).

Regarding claim 4, wherein fibers constituting two filter layers (two distinct layers comprising layer 5; two distinct layers comprising layer 8 as illustrated in Fig. 2) are inclined at the same acute angle (A for layers comprising layer 5, B for layers comprising layer 8) relative to the axis of rotation of membrane (1), but in opposite directions [Fig. 2].

With regard to claim 5, acute angle lies within the range 5 degrees to 15 degrees (column 4, lines 2 – 9).

With regard to claims 6 and 11, fibers (metal plies) having high traction strength (column 1, lines 22 - 23).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Champleboux. Champleboux discloses all of the limitations of the above claim(s) except for specific sizes and densities of the fibers and fiber layers. The optimization of proportions in a prior art device is a design consideration within the skill of the art. *In re Reese*, 290 F.2d 839, 129 USPQ 402 (CCPA 1961).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN D. ANDRISH whose telephone number is (571)270-3098. The examiner can normally be reached on Mon - Fri, 7:30am - 5:00pm, Alternate Fri off, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kenneth Thompson/
Primary Examiner
Art Unit 3672

SDA
4/8/2008